

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-9 are currently pending. Claims 1-9 are rejected. It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments to the claims are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE REJECTION UNDER 35 U.S.C. § 112

Claims 4-6, 8 and 9 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Particularly, with respect to claims 4, 8 and 9, the Examiner alleges that it is unclear "what specific apparatus structure constitutes the recited arrangement that enables the dewaxing function." Regarding claim 4, in view of the specification, one skilled in the art would understand what--and how--specific types of pressure cookers and control units may be integrated to provide the dewaxing function, and thus, one skilled in the art would clearly understand the scope and meaning of claim 4 in view of the specification.

Claims 1-9 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Regarding the rejection of claims 1-9, Applicant respectfully disagrees that the specification does not support the latest amendment. Rather, the specification discloses the features of the added amendment in Fig. 2, which shows an example of the heating process without interruption (such as user interaction/input). Also the feature is disclosed in at least paragraph [0029] which describes *inter alia*, the programmed time duration on each temperature step. Furthermore, nowhere does the specification disclose either explicitly or implicitly the requirement for user input after each step in a heating or cooling process.

Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

III. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 4, and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,580,056 to Tacha ("*Tacha*") in view of U.S. Patents Nos. 3,800,778 to Lohr et al. ("*Lohr*") and 5,951,900 to Smrke ("*Smrke*").

Claims 3, 7, and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Tacha* in view of *Lohr*, *Smrke*, and further in view of U.S. Patent No. 6,283,015 to Kwon et al. ("*Kwon*").

Claims 5 and 6 were also rejected under 35 U.S.C. § 103(a) as unpatentable over *Tacha*, *Lohr*, and *Smrke*, in further view of U.S. Patent Nos. 6,017,495 to Ljungmann ("*Ljungmann*") and 6,544,798 to Christensen et al. ("*Christensen*").

As recited in independent claim 1, the instant invention is directed to:

"An apparatus for heat treatment of tissue specimens, comprising a pressure cooker (1) for cooking of the tissue specimens, a temperature sensor (5) and a pressure sensor (6) connected to the pressure cooker, and a control unit (15) for time-controlled heat treatment of the tissue specimens in the pressure cooker (1),

the control unit (15) being arranged to control a programmed step-by-step heating course, with a programmed time duration on each temperature step, ... and that the control unit (15) also is arranged to control a programmed **step-by-step cooling course**, from the chosen maximum temperature down to a chosen final temperature, **wherein each step of the step-by-step heating course, or each step of the step-by-step cooling course does not require any user input or interaction.** (Emphasis Added)

Smrke relates to a temperature based control device to control the power and temperature for food processing in a cooking pot. The Examiner cites to *column 3, lines 34-46* of *Smrke*. The cited section of *Smrke* does not teach or suggest a “step-by-step” process that does not require user input. There is no teaching or suggestion that the setting of “temperature and time constants” recited in *Smrke* is similar or analogous to the step-by-step processes disclosed in the claimed invention. By contrast *Smrke* merely relates to controlling and maintaining an “individual food processing operation”. In other words, *Smrke* relates to preventing temperature deviation from a desired temperature, and *not* to a “step-by-step” process. However, if the temperature needs to be changed, *Smrke* would seemingly require user input to change to a different temperature. There is no suggestion to the contrary of an automatic controlled switch between different power levels or temperatures at timed durations.

Further, *Smrke* does not relate to any cooling process at all. In *column 4, line 22-26* of *Smrke*, a brief discussion relating to controlling refrigerated temperature can be found, but nowhere does the document relate to a step-by-step heating or cooling process. Normally, heating is much easier to control than cooling, by means of heating elements. As mentioned in *paragraph [0007]* of Applicant’s published application, the state of the art does not provide for a controlled cooling process, since it is only based on air cooling after the heating element is disconnected. This means that the cooling time is dependent on the liquid quantity in the pressure cooker and the quantity of specimen placed in the liquid. As further pointed out in

paragraph [0007], this does not provide the user with sufficient control over the total process, and the result is that the desired reproducibility is not obtained. However, by way of example and not of limitation, *paragraphs [0008] and [0009]* of Applicant's published application, provide an apparatus enabling the programming of a step-by-step heating and also cooling course. Accordingly, the described embodiments of the present invention allow this in a quick and controllable way.

Thus, neither *Taka*, *Lohr*, nor *Smrke*, taken either alone or in combination, disclose or render predictable a "control unit [that] is arranged to control a programmed **step-by-step cooling course**, from the chosen maximum temperature down to a chosen final temperature, **wherein each step of the step-by-step heating course, or each step of the step-by-step cooling course does not require any user input or interaction.**" Therefore for at least the reasons described above, Applicant submits that claim 1 is patentable over the cited *Taka*, *Lohr*, and *Smrke* references.

IV. DEPENDENT CLAIMS

The other claims are dependent from independent claim 1 and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

V. CHANGE IN ENTITY STATUS

Applicants wish to note that the above referenced application is no longer entitled to claim small entity status. All future payments are to be made at according to large entity fees.

CONCLUSION

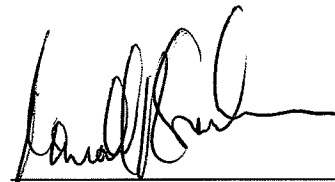
In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited. Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800